

2 § 3.2.a. The parties subsequently determined that the appropriate MTTR for trunk service restoration should be two (2) hours. See *id.*, Exhibit No. 6 at 3. This two (2) hour benchmark applies to all interconnection trunks.

19. In addition to those intrastate facilities that TWTC orders pursuant to the Master Agreement, TWTC also orders high-capacity circuits connecting the end-user customer to TWTC's transmission facilities collocated in BellSouth's central offices pursuant to BellSouth's interstate tariff, F.C.C. Tariff No. 1.

20. The maintenance and repair of high-capacity loops ordered under the interstate tariff are functionally indistinguishable from the maintenance and repair of interconnection trunks. Indeed, trouble tickets for both kinds of facilities are reported via telephone to the same BellSouth regional trouble center, known as the "ACAC," or "Access Customer Advocate Center." TWTC dials a single telephone number that accesses one of two BellSouth ACACs to obtain maintenance and repair services in all the BellSouth states. Moreover, it is my understanding that BellSouth's testing and repair procedures for high-capacity loops and interconnection trunks are similar. Accordingly, Amendment No. 1's performance intervals provide useful proxies of the benchmarks to which BellSouth should reasonably be held for high-capacity loops.

**Failure to Provide Non-discriminatory
Maintenance and Repair Service for High-Capacity Access Lines**

21. BellSouth first provided TWTC with performance data reports on provisioning and maintenance and repair in May 1998. BellSouth has subsequently provided similar reports in June and

July. The data reported in the July report is cumulative of the May and June reports. A copy of the July 1998 report for high-capacity access lines is attached as Exhibit No. 1.*

22. In the July report, BellSouth provided TWTC with monthly MTTR performance measurements for January through June 1998. A review of BellSouth's self-reported MTTRs reveals that, even according to BellSouth's own data (which may well understate MTTR), BellSouth has failed to meet the two (2) hour benchmark for maintenance and repair. For example, the following chart lists the BellSouth-reported MTTR data for high-capacity circuits leased by TWTC from BellSouth:

**1998 MTTR Measurements for
BellSouth/TWTC High-Capacity Access Lines**

MONTH	MTTR (hours)
January	3.40
February	5.71
March	4.98
April	4.56
May	3.93
June	5.55

23. There are many factors that appear to contribute to BellSouth's failure to provide satisfactory maintenance and repair. TWTC believes that one of the primary reasons for this

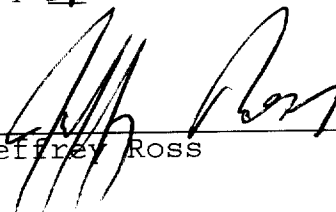
* BellSouth has labeled each report proprietary. TWTC disagrees with BellSouth's unilateral designation of these reports as proprietary. TWTC has nonetheless redacted all non-relevant information on the attached copy of the July report.

failure is the chronic unavailability of BellSouth personnel after hours for purposes of escalating maintenance and repair requests. As a result, troubles reported by TWTC to BellSouth after 5:00 p.m. are often not addressed until the following day.

24. BellSouth's failure to render maintenance and repair services in a timely fashion is perceived by TWTC's customers as a service failure on TWTC's part. This perception occurs even in those instances in which the customer understands that TWTC is relying on BellSouth to repair the services. In fact, several of TWTC's customers have complained to TWTC personnel that they receive better service from BellSouth as an end-user customer of BellSouth than as an end-user customer of TWTC. The implications of such discriminatory treatment for TWTC's customer base are devastating.

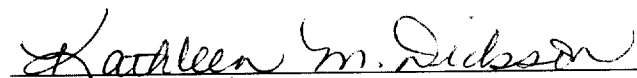
25. TWTC's performance in the market should be based on factors within TWTC's control. Until MTTR performance and other benchmarks are met by BellSouth, TWTC will be unable to control the level of efficiency with which it provides service to its customers. Instead, BellSouth, TWTC's most formidable competitor, will determine the level of TWTC's efficiency (or lack thereof).

I declare under penalty of perjury that the foregoing
is true and correct. Executed on July 31, 1998.



Jeffrey Ross

Sworn to and subscribed before me
this 31st day of July, 1998



Notary Public



My Commission Expires 05/30/2001

EXHIBIT NO. 1

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:20 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual Dur:
	1/23/98					2.90
	1/23/98					1.50
	1/26/98					2.07
	1/21/98					2.13
	1/21/98					3.58
	1/23/98					1.52
	1/5/98					5.05
	1/21/98					1.65
	1/20/98					0.73
	1/26/98					5.05
	1/19/98					3.83
	1/14/98					1.45
	1/26/98					16.55
	1/16/98					3.40
	1/12/98					4.28
	1/6/98					1.80
	1/16/98					3.42
	1/16/98					4.35
	1/20/98					1.82
	1/8/98					1.50
	1/6/98					4.75
	1/27/98					1.05
	1/12/98					1.52
	1/6/98					5.60
	1/19/98					3.57
				AvgTotal _Duration for Month:		3.40
Total Troubles: 25				SumTotal _Duration for Month:		85.07
	2/27/98					1.63
	2/19/98					1.97
	2/2/98					1.03

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:20 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual Dur:
	2/23/98					3.20
	2/9/98					6.70
	2/18/98					3.27
	2/25/98					20.68
	2/3/98					0.78
	2/20/98					7.87
	2/2/98					1.40
	2/19/98					3.52
	2/12/98					3.98
	2/4/98					4.15
	2/25/98					2.95
	2/25/98					26.52
	2/23/98					3.30
	2/2/98					3.72
	2/11/98					2.03
	2/2/98					27.65
	2/9/98					3.15
	2/4/98					5.67
	2/3/98					3.75
	2/12/98					3.97
	2/19/98					3.52
	2/19/98					3.13
	2/22/98					8.07
	2/19/98					3.52
	2/27/98					7.38
	2/25/98					3.03
	2/25/98					13.70
	2/23/98					7.20
	2/6/98					0.42
	2/24/98					0.53
	2/23/98					0.78

REDACTED

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:21 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual Dur:
AvgTotal _Duration for Month:						5.71
Total Troubles: 34						SumTotal _Duration for Month: 194.17
	3/31/98					5.93
	3/31/98					5.95
	3/31/98					12.15
	3/29/98					2.00
	3/31/98					0.05
	3/28/98					6.02
	3/11/98					5.22
	3/13/98					1.23
	3/26/98					10.23
	3/26/98					6.50
	3/16/98					3.62
	3/13/98					4.52
	3/17/98					0.80
	3/23/98					3.92
	3/23/98					4.87
	3/6/98					1.47
	3/10/98					6.75
	3/30/98					4.25
	3/10/98					2.15
	3/31/98					7.87
	3/9/98					3.10
	3/19/98					24.77
	3/6/98					4.85
	3/7/98					1.08
	3/10/98					3.37
	3/20/98					6.40
	3/26/98					6.42
	3/23/98					6.40

REDACTED

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:21 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual	Dur:
	3/11/98						2.95
	3/26/98						6.53
	3/26/98						6.82
	3/21/98						1.65
	3/6/98						0.85
	3/6/98						6.80
	3/5/98						0.27
	3/20/98						1.38
							4.98
							179.12
Total Troubles: 36				AvgTotal _Duration for Month:		SumTotal _Duration for Month:	
	4/16/98						7.88
	4/15/98						2.58
	4/17/98						2.90
	4/16/98						2.28
	4/21/98						1.02
	4/29/98						2.83
	4/2/98						1.87
	4/10/98						13.17
	4/21/98						1.05
	4/22/98						0.72
	4/9/98						4.10
	4/18/98						3.17
	4/16/98						5.67
	4/30/98						4.80
	4/17/98						5.10
	4/10/98						4.77
	4/14/98						3.55
	4/17/98						6.30
	4/20/98						5.53
	4/17/98						6.33

REDACTED

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:21 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual Dur:
	4/24/98					4.72
	4/30/98					4.85
	4/22/98					5.30
	4/20/98					5.93
	4/20/98					5.48
	4/30/98					5.00
	4/16/98					1.90
	4/10/98					1.50
	4/15/98					1.15
	4/18/98					3.32
	4/21/98					20.77
	4/6/98					0.27
				AvgTotal _Duration for Month:		4.56
Total Troubles: 32				SumTotal _Duration for Month:		145.80
	5/7/98					5.18
	5/9/98					5.67
	5/15/98					2.45
	5/18/98					1.25
	5/24/98					2.33
	5/27/98					2.02
	5/11/98					0.63
	5/13/98					1.37
	5/26/98					4.07
	5/1/98					2.42
	5/1/98					3.05
	5/11/98					9.85
	5/7/98					5.98
	5/31/98					8.28
	5/18/98					5.67
	5/31/98					11.10

REDACTED

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:21 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual Dur:
	5/21/98					6.73
	5/22/98					4.68
	5/25/98					4.33
	5/26/98					3.83
	5/1/98					5.32
	5/22/98					4.45
	5/26/98					1.90
	5/27/98					4.68
	5/29/98					1.43
	5/29/98					4.82
	5/22/98					4.57
	5/22/98					2.62
	5/28/98					1.87
	5/11/98					3.60
	5/8/98					12.77
	5/11/98					0.20
	5/20/98					1.60
	5/18/98					0.43
	5/1/98					1.55
	5/18/98					0.73
	5/28/98					1.80
	5/28/98					3.93
				AvgTotal _Duration for Month:		
				SumTotal _Duration for Month:		145.23
Total Troubles: 37						2.43
	6/4/98					2.55
	6/4/98					5.30
	6/11/98					2.07
	6/17/98					5.62
	6/17/98					2.33
	6/25/98					5.73
	6/17/98					

REDACTED

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:22 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual Dur:
	6/7/98					2.92
	6/29/98					7.72
	6/27/98					0.93
	6/2/98					4.90
	6/17/98					5.48
	6/17/98					5.53
	6/26/98					14.02
	6/5/98					2.33
	6/11/98					3.55
	6/17/98					8.82
	6/15/98					2.33
	6/30/98					3.47
	6/15/98					1.40
	6/3/98					11.03
	6/19/98					12.25
	6/24/98					25.85
	6/25/98					9.88
	6/12/98					4.23
	6/25/98					7.70
	6/15/98					3.43
	6/19/98					5.85
	6/29/98					2.95
	6/6/98					6.57
	6/8/98					6.93
	6/15/98					2.35
	6/15/98					2.28
	6/17/98					8.48
	6/17/98					8.95
	6/24/98					10.73
	6/20/98					4.85
	6/24/98					10.62

REDACTED

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:22 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual Dur:
	6/30/98					3.58
	6/30/98					3.32
	6/30/98					3.38
	6/26/98					11.62
	6/23/98					6.02
	6/5/98					2.05
	6/17/98					12.57
	6/15/98					3.32
	6/15/98					1.38
	6/8/98					6.83
	6/15/98					2.30
	6/15/98					2.73
	6/1/98					8.45
	6/9/98					4.60
	6/23/98					4.23
	6/17/98					3.18
	6/29/98					2.20
	6/4/98					56.12
	6/17/98					0.88
	6/24/98					9.87
	6/2/98					2.97
	6/10/98					1.62
	6/3/98					17.00
	6/12/98					0.15
	6/3/98					0.17
	6/4/98					0.80
	6/5/98					0.50
	6/6/98					1.27
	6/7/98					2.22
	6/25/98					0.53
	6/7/98					0.50

REDACTED

BellSouth/TIME WARNER-TIM 1998 Measured Reports-Hicaps

Report Run: 7/7/98 8:16:22 AM

Report #:	Closed Date:	Ckt Fmt:	Circuit ID	Report Type	TC	Actual Dur:
	6/9/98					0.12
	6/17/98					1.03
	6/11/98					1.72
	6/2/98					0.42
	6/16/98					0.15
	6/7/98					1.82
				AvgTotal _Duration for Month:		5.55
Total Troubles: 75				SumTotal _Duration for Month:		415.98

Report Summary:

	Total Avg Duration Report:	4.88
Total Troubles: 239	Total Actual_Duration:	1165.37

CERTIFICATE OF SERVICE

I, Thomas Jones, do hereby certify that on this 4th day of August, 1998, copies of the foregoing "Petition to Deny of Time Warner Telecom" were hand delivered or mailed, first class postage prepaid, as indicated, to the following parties:

Chairman William E. Kennard
Federal Communications Commission
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Room 814
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W.
Room 832
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
1919 M Street, N.W.
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Commissioner Harold Furchtgott-Roth
Federal Communications Commission
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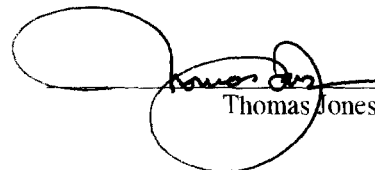
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